14CV1867

In the United States District Court
For the Southern District
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Steven Jude,

Plaintiff,

COMPLAINT

Civil *

v.

City of New York, (Municipal Corporation)
Dr. Dora B. Schriro, (Commissioner)
Stephen Wettenstein, (Warden, MDC)
Washington, (Correction Officer)

Jury Trail Demanded

MAR 10 2014

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Defendants.

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COMPLAINT

1. Plaintifff Steven Jude, was comfined at Manhattan Detention Complex, herein referred to as MDC, a city jail located at 125 White street, New York, N.Y. 10013.

2. Plaintiff is, and was at all times mentioned herein an adult citizen of the United States and a resident of the City of New York.

3. Defendant City of New York is and was at all times relevant herein a municipal corporation existing by the virtues of New York State.

4. Defendant Dr. Dora B. Schriro, was at all times relevant herein the commissioner of the City of New York Department of Corrections, with the responsibility for operating and maintaining detention, penal, and corrective institutions within the City of New York, including (MDC).

5. Defendant Stephen Wettenstein, was at all times releavnt herein the warden of the municipal detention center for the City of New York As warden of the detention complex, defendant manages its day-to-day operation and executes it's policies and procedures, and enforces the law for the care, custody and control of the inmates housed at MDC which is within the law.

6. Defendant Washington, was at all times relevant herein a Correction Officer a (MDC), who job entitles care, custody and control of inmates in his assigned area and throughout the detention facility.

7. This action arises and is brought pursuant to 42 U.S.C. 1983 to remedy the deprivation, under color of state law, of rights guaranteed by the first, fourteenth, and Eighth Amendments to the United States constitution. This court has jurisdiction over this action pursuant to 28 U.S.C. section 1331 and 1343.

8 Plaintiff claims for injunctive relief are authorized by rule 65 of the Federal Rules of Civil procedure.

9. This cause of action arose in the southern district of New York Therefore, venue is proper under 28 U.S.C. section 1391(b).

10. Plaintiff has no other lawsuits dealing with the same facts involved in this action or otherwise relating to his current incarceration

NON-GRIEVABLE

11. Plaintiff tried to exhaust his administrative remedies but was informed that grievances against staff were Non-Grievable in the New York City Department of Corrections.

Statement of Claim

12. At all relevant times herein, defendants were "persons" for the purpose of 42 USC 1983 and acted under color of law to deprive plaintifdf of his constitutional rights as set forth more fully below.

Statement of Facts

13. The City of New York Department of Corrections has a history of allowing Blood Gang members to run its housing units which is wide-spread and longstanding to alleviate the correction officers from doing their jobs, by running the feeding of inmates, lock-in and lock-out's of other inmates and even discipling them.

14. Plaintiff was jump and beaten and assualted by three unknown Security Risk Group, SRG inmates who were Bloods, in 7-South during the 11-to-7 tour during the breakfast feeding on Jan 21, 2014 at or about 6am.

15. The previous day plaintiff had said something in regards to the Blood gang member serving food on the muslim line always reaching into the regular pan of food to serve plaintiff and isnt suppose to be someone who is muslim or eats Hala to serve the food and the C.O. on duty stated he didn't know or care who served the food as long as it got served, which caused the fricition and causation for plaintiff being assaulted.

16. The Commissioner Dora B. Schriro makes up the policies and procedures and is complacent and aware of her officers allowing the SRG inmates to run housing units, however she has continue not to enforce no rules or policies to prevent their hiring to house gang jobs or her officers from hiring SRG inmates from jobs.

17. Defendants Schriro and Wettenstein has also failed to place security cameras within the housing areas which houses SRG inmates or enforce charges being pressed against inmates who are involved in gang assaults to prevent the re-occurring of such by the SRG assautive inmates, NOBODY is being charged in the gang assaults that has been occurring within the Department of Corrections in New York City, which assaults happen on a daily occasssion and is widespread and longstanding.

18. Correction Officer Washington worked 7-south on Jan 21, 2014 and allowed my cell to be opened without requesting to be opened and was in my cell sleeping, and allowed me to be assaulted this defendant is also complacent with the gang members running the house and feeding, no list was taken to ask whether the inmate wanted to come out for the feeding which all cells were automatically opened cause the C.O. was to lazy to make his rounds and do his job early in the morning.

19. Its policy and procedure for correction officers in the new MDC Building to just open inmates cells although the inmate never even requested because they are to lazy to take a list to see who want to comeout their cells for the feeding which their is one correction officer on the floor observing 46 inmates and atleast 25 of them inmates are SRG inmates Gang members and it is impossible for 1 correction officer to control or observe 46 inmates within a housing area.

20. Defendants Schriro and Wettenstein is complacent with C.O.S fabricating reports whereupon plaintifff was assaulted by three unknown gang members he told the captain that and C.O. washington however to minimize the writing or reports and incident the C.O. wrote that Plaintiff was punched ny one individual instead of jump by three gang members so that he wouldn't have to write alot which is evident by the injury report,which I wrote a statement prior to a injury report being constructed and the Defendants knew what had occurred and failed to properly document it for the record which it is policy and procedure to falsiy reports within the Dept of Corrections.

21. Defendant Washington failed to do his security rounds subsequently after the feeding as perpolicy and procedure and this defendant also fail to acquire me immideate medical attention for my jaw and back which I was punched and kicked during the assault which plaintiff recieved a crack tooth on the left side of his jaw which had to be immeditaely repaired.

22. It is policy and procedure to allow inmates to get jumped and gang assaulted then pick just (1) individual from the group to take the fall, instead of the entire group to prevent the officer and area supervisor from doing alot of paper work and reports, which injury reports, infractions, to and froms etc have to be filled out.

23. Plaintiff is "legally Blind" however they have him in the general population instead of a disabled unit, as well as an dietibetic and the correction department took away his medical supportive footwear which he needs to stand and protect his feet and gave him some cheap, flimsy DOC footwear which started to rip apart the first week of wearing them. the Department is well aware of plaintiffs condition as well as him needing supportive footwear inwhich footwear is not suppose to be taken away from adult inmates starting Jan 1, 2014, only adolesences which is in accordance to the DOC memo however the CO's donot follow their own polcy and procedures.

Prayer for Relief

24. Plaintiff request an injunction compelling defendants to STOP housing SRG inmates with Non-SRG inmates, STOP housing Max classification inmates with SRG inmates.

25. Plaintiff request an injunction to provide immediately in all housing units cameras in all housing units that record for both staff and inmates safety.

26. Plaintiff request an injunction to have defendants return plaintiff's supportive footwear that he came to DOC with and not no hard plastic work boots, when the policy states only the kids will have their footwear taken upon entry to DOCS.

27. Plaitniff request compensatory damages for his back pain as well as brokem tooth pain and suffering plaintiff's tooth is the same as a bone being broken

Signed this 25th day of Jan., 2014 X [signature]